

HOUSE BILL NO. 135

INTRODUCED BY J. ANDERSEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A SCHOOL DISTRICT TO USE ITS TUITION FUND
5 TO PAY THE COSTS FOR A RESIDENT STUDENT WHO ENROLLS IN A DAY-TREATMENT PROGRAM
6 UNDER AN APPROVED INDIVIDUALIZED EDUCATION PROGRAM AT A PRIVATE, NONSECTARIAN
7 SCHOOL LOCATED IN OR OUTSIDE OF THE STUDENT'S RESIDENT DISTRICT; AMENDING SECTION
8 20-5-324, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 20-5-324, MCA, is amended to read:
13 **"20-5-324. Tuition report and payment provisions -- exemption.** (1) At the close of the school term
14 of each school fiscal year and before July 15, the trustees of a district shall report to the county superintendent:
15 (a) the name and district of residence of each child who is attending a school of the district under a
16 mandatory out-of-district attendance agreement approved under the provisions of 20-5-321(1)(b), (1)(d), or
17 (1)(e);
18 (b) the number of days of enrollment for each child reported under the provisions of subsection (1)(a);
19 (c) the annual tuition rate for each child's tuition payment, as determined under the provisions of
20 20-5-323, and the tuition cost for each reported child; ~~and~~
21 (d) the names, districts of attendance, and amount of tuition to be paid by the district for resident
22 students attending public schools out of state; and
23 (e) the names, schools of attendance, and amount of tuition to be paid by the district for resident
24 students attending day-treatment programs under approved individualized education programs at private,
25 nonsectarian schools.
26 (2) The county superintendent shall send, as soon as practicable, the reported information to the county
27 superintendent of the county in which a reported child resides.
28 (3) Before July 30, the county superintendent shall report the information in ~~subsection~~ subsections
29 (1)(d) and (1)(e) to the superintendent of public instruction, who shall determine the total per-ANB entitlement
30 for which the district would be eligible if the student were enrolled in the resident district. The reimbursement

1 amount is the difference between the actual amount paid and the amount calculated in this subsection.

2 (4) Notwithstanding the requirements of subsection (5)(a), tuition payment provisions for out-of-district
3 placement of students with disabilities must be determined pursuant to Title 20, chapter 7, part 4.

4 (5) (a) When a child has approval to attend a school outside the child's district of residence under the
5 provisions of 20-5-320 or 20-5-321(1)(a) or (1)(b); or when a child has approval to attend a day-treatment
6 program under an approved individualized education program at a private, nonsectarian school located in or
7 outside of the child's district of residence, the district of residence shall finance the tuition amount from the district
8 tuition fund and any transportation amount from the transportation fund.

9 (b) When a child has approval to attend a school outside the child's district of residence under the
10 provisions of 20-5-321(1)(c), the parent or guardian of the child shall finance the tuition and transportation
11 amount.

12 (6) When a child has mandatory approval under the provisions of 20-5-321(1)(d) or (1)(e), the tuition
13 and transportation obligation for an elementary school child attending a school outside of the child's district of
14 residence must be financed by the basic county tax for elementary equalization, as provided in 20-9-331, for the
15 child's county of residence or for a high school child attending a school outside the district of residence by the
16 basic county tax for high school equalization, as provided in 20-9-333, for the child's county of residence.

17 (7) By December 31 of the school fiscal year, the county superintendent or the trustees shall pay at least
18 one-half of any tuition and transportation obligation established under this section out of the money realized to
19 date from the appropriate elementary or high school county equalization fund provided for in 20-9-335 or from
20 the district tuition or transportation fund. The remaining tuition and transportation obligation must be paid by June
21 15 of the school fiscal year. The payments must be made to the county treasurer in each county with a school
22 district that is entitled to tuition and transportation. Except as provided in subsection (9), the county treasurer
23 shall credit tuition receipts to the general fund of a school district entitled to a tuition payment. The tuition receipts
24 must be used in accordance with the provisions of 20-9-141. The county treasurer shall credit transportation
25 receipts to the transportation fund of a school district entitled to a transportation payment.

26 (8) The superintendent of public instruction shall reimburse the district of residence for the per-ANB
27 entitlement determined in subsection (3).

28 (9) (a) Any tuition receipts received under the provisions of 20-5-323(3) for the current school fiscal year
29 that exceed the tuition receipts of the prior year may be deposited in the district miscellaneous programs fund
30 and must be used for that year in the manner provided for in 20-9-507 to support the costs of the program for

1 which the tuition was received.

2 (b) Any tuition receipts received for the current school fiscal year for a pupil who is a child with a
3 disability that exceed the tuition amount received for a pupil without disabilities may be deposited in the district
4 miscellaneous programs fund and must be used for that year in the manner provided for in 20-9-507 to support
5 the costs of the program for which the tuition was received.

6 (c) Any other tuition receipts received for the current school fiscal year that exceed the tuition receipts
7 of the prior year may be deposited in the district miscellaneous programs fund and may be used for that year
8 in the manner provided for in that fund. For the ensuing school fiscal year, the receipts must be credited to the
9 district general fund budget.

10 (10) The provisions of this section do not apply to out-of-state placements made by a state agency
11 pursuant to 20-7-422."

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13 NEW SECTION. **Section 2. Effective date -- applicability.** [This act] is effective on passage and
14 approval and applies to tuition paid for attendance in school fiscal years beginning on or after July 1, 2003.

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